

**BY-LAWS  
FOR THE  
WORKFORCE INVESTMENT BOARD  
OZARK REGION**

**DEFINITIONS**

**DWD:** Division of Workforce Development

**MTEC:** Missouri Training and Employment Council

**WIA:** Workforce Investment Act of 1998 P.L. 105-220

**WIB:** Ozark Region Workforce Investment Board

**MCC:** Missouri Career Center

**CLEO:** Council of Local Elected Officials (consists of one elected official from each of the following entities):

Christian County

Dallas County

Greene County

Polk County

Stone County

Taney County

Webster County

City of Springfield

**Voting Member:** WIB members including the officers.

**ARTICLE I  
IDENTITY**

These are the By-Laws of the Ozark Region Workforce Investment Board, a Board formed under the Workforce Investment Act of 1998, P. L. 105-220 ("WIA"), serving the City of Springfield and the counties of Christian, Dallas, Greene, Polk, Stone, Taney and Webster.

**ARTICLE II  
PRINCIPAL OFFICE**

The principal office of the WIB shall be located in the Missouri Career Center, 1514 South Glenstone, Springfield, Missouri 65804. Other office locations may be established as necessary to carry out the WIB roles and responsibilities under the WIA.

**ARTICLE III  
PURPOSE AND POWERS**

Section 1. Purpose.

a. The purposes of the WIB, in Partnership with the CLEO of the seven-county region, shall be consistent with those purposes that are identified for a Regional Workforce Investment Board under the Workforce Investment Act of 1998, P.L. 105-220 and amendments thereto, and Section 620.521 et seq., RSMo, and amendments thereto, and other purposes that, in accordance with public law, may be bestowed upon the WIB.

b. The WIB shall study and make recommendations regarding the improvement of the Region's employment and training delivery network, including improved federal and state resource use and expanded coordination of job training and employment activities with other related activities.

c. Using the results of the One-Stop Partners collaboration at early stages of planning, the WIB shall adhere to the Ozark Region 5-Year Plan of Services.

d. The WIB shall serve as a forum for public and private sector representation to encourage cooperative uses of employment and training funding, facilities, and staff resources for a more comprehensive and coordinated regional service delivery system.

## Section 2. Powers.

a. The powers of the WIB shall be consistent with those powers that are identified for a Regional WIB under the WIA., Section 111(d)(1-9), & (e) and any amendments thereto, including, but not limited to:

1. Providing policy guidance and review for all employment and training programs in the Region. Developing appropriate linkages with other programs to assure non-duplication among the programs and activities; coordinating activities with local Missouri Career Center (MCC) Partners and providing advice and recommending alternatives to the CLEO and MTEC regarding the employment and training performance standards required by federal and state regulation.

2. Reviewing plans of all Ozark Region and MCC Partner agencies providing employment, training and related services, and providing comments and recommendations to the Partners on the relevancy and effectiveness of employment and training and related WIA service delivery systems in the Region.

3. Assisting the Partners to develop, review and submit written comments on the Ozark Region 5-Year Plan of Services, and any modification thereto, before its submission through the DWD to MTEC.

4. Advising the Partners and CLEO on the implementation status of the Local Workforce Investment Plan and reviewing the consistency of such plan with criteria developed for coordination of activities under WIA with other federal, state and local employment related programs.

5. Reviewing the operation of programs conducted within the Region and the availability, responsiveness and adequacy of regional workforce development services; and

making recommendations to the CLEO, Partners and service providers, MTEC and the general public with respect to ways to improve the effectiveness of such programs or services.

6. Developing and submitting an Annual Report to the Governor. Such a Report shall include input from WIB and CLEO members as well as regional employment and training partners; shall be submitted through the DWD to MTEC; and shall be considered a public document. The WIB shall also issue such other studies, reports or documents as it deems advisable to assist the Region in carrying out the purposes of the WIA, as amended.

7. Identifying, in coordination with the appropriate Partners and service providers the employment, training and vocational education needs throughout the Region and assessing the extent to which employment and training, vocational education, rehabilitation services, public assistance, economic development, and other federal, state and local programs and services represent a consistent, integrated and coordinated approach to meeting such needs.

### Section 3. Limitations on Powers.

a. The Ozark Regional 5-Year Plan of Services and decisions of the WIB shall be subject to approval by the CLEO and MTEC.

b. The WIB shall not operate programs or provide services directly to eligible participants under the WIA, but shall exist solely to plan, coordinate and monitor the provision of such programs and services in the Ozark Region.

## **ARTICLE IV** **WIB MEMBERSHIP**

### Section 1. Organization of the Board

a. The membership of the WIB shall be determined by the Workforce Investment Act (WIA), with a majority (51%) of said membership representing the private sector.

b. The membership of the WIB shall be appointed by the CLEOs, in accordance with the criteria established in the WIA. Private Sector appointments must be made from nominations submitted by local business organizations, chambers of commerce, or local business trade organizations. Non-private sector appointments must be made in accordance with state established guidelines for the appointment and certification of WIB members.

### Section 2. Terms of Office.

a. Each member of the WIB shall be certified for a term of two (2) years.

### Section 3. Removal and Resignation

a. Any member may be removed by the CLEO with or without cause. Any member absent from one-half of the meetings in any program year, and/or more than three (3) consecutive meetings of the WIB may be terminated. With cause, a majority vote of the entire WIB may be taken at any meeting of the WIB to empower the WIB Executive Committee to review circumstances and recommend termination

or retention of a member. A majority vote of the WIB is required to formally recommend to the CLEO termination of a member.

b. Any member may resign at any time by giving written notice to the Executive Committee or the Chair of the WIB. Any such resignation shall take effect at the time specified in the member's written notice, and unless the resigning member otherwise specifies, the Chair's, Executive Committee's or WIB's acceptance of the members resignation shall not be necessary to make it effective.

Section 5. Compensation. Members of the WIB shall receive no compensation but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties.

## **ARTICLE V** **OFFICERS AND THEIR DUTIES**

Section 1. Officers. The officers of the WIB shall be a Chair and Vice-Chair. The officers shall be elected by the WIB as presented by the nominating committee. Officers must come from the private sector. The Nominating Committee may recommend co-chairs.

Section 2. Duties of the Chair. The Chair shall preside at all meetings of the WIB and the WIB Executive Committee. The Chair shall call or cause to be called all meetings of the WIB and the WIB Executive Committee and establish or cause to be established agendas and matters of business. The Chair shall appoint members of all committees and act as coordinator of committees to prevent duplication of effort. The Chair shall perform such other duties as are incident to the Chair's office or properly required by the WIB.

Section 3. Duties of the Vice-Chair. The Vice-Chair shall assist the Chair in conducting WIB business. In the Chair's absence, disability, or resignation, the Vice-Chair of the WIB shall assume the position of and perform the duties of the Chair, with all the power and authority of the Chair's office. Further, the Vice-Chair of the WIB shall have such powers and discharge such duties as may be properly assigned to the Chair, from time to time, by the WIB.

Section 4. Election of Officers. The normal term of office for all officers shall be from July 1 through June 30 of each two consecutive calendar years. Elections shall be held at the June WIB meeting, prior to the beginning of the next program year.

## **ARTICLE VI** **MEETINGS**

Section 1. Regular Meetings. Regular meetings of the WIB shall be held at least six times each year.

Section 2. Notice of Regular and Committee Meetings. Notice of all regular and committee meeting of the WIB shall be given to each member in writing and postmarked to him or her either personally, electronic mail or by mail a minimum of seven (7) days prior to the date called for the meeting. Such notice shall include a tentative agenda and a description of any matter(s)

that the members may be called to vote upon at the regular meeting. Any agenda topics should be coordinated with a Chair prior to this deadline.

Section 3. Special Meetings. Special meetings of the members may be called by the Chair of the Executive Committee or upon written application of at least one-third members entitled to vote at the meeting.

a. Notice. All members of the WIB shall be informed in writing of special meetings a minimum of forty-eight (48) hours in advance of the special meeting. Such notice shall include a description of the matter(s) for which the special meeting is called.

b. Limitations. At any special meeting only business specified in the special meeting notice may be transacted.

Section 4. Meetings Open to the Public. All meetings of the WIB and its committees shall be open to the public. The WIB shall make available to the public, on a regular basis through its open meetings, information regarding the activities of the WIB, including information regarding the Regional Plan prior to submission of the Plan, information regarding membership and, upon request, minutes of formal meetings of the WIB.

a. Meetings or portions of meetings may be closed to the general public by the Chair of the WIB or a Committee Chair, but only in compliance with the exemptions granted by the open meetings provisions of section 610.020, RSMo.

b. All meetings of the WIB shall be publicly announced in compliance with the open meetings provisions of section 610.020, RSMo.

Section 5. Meeting Minutes. Minutes of the WIB meetings shall be taken and shall be distributed to all WIB members at or before the next regular meeting of the WIB.

Section 6. Quorum.

a. WIB Meetings Excluding the Executive Committee. A quorum shall be present when a majority of members in attendance represent the private sector membership. When a quorum is present, a majority of the voting members present shall decide any question, including the election of officers. No formal action may be taken by the WIB unless a quorum is present. Proxy voting is prohibited.

b. Committee Meetings. A majority of the voting members of that Committee present shall decide any question. Committee members may be counted in attendance at the committee meetings by appearing either in person or by electronic means.

Section 7. Action by Executive Committee. The Executive Committee is empowered to work with staff, contractors, Partners and others as necessary to ensure that the Regional Plan and other WIB responsibilities are completed to facilitate timely transactions. Actions taken by the Committee shall be reviewed with the full WIB at its next regularly scheduled meeting for concurrence.

## **ARTICLE VII**

### **EXECUTIVE COMMITTEE**

**Section 1. Members of the Executive Committee.** The Executive Committee shall consist of ten members and shall be composed of the WIB Chair, the WIB Vice-Chair, the Chairs of the four standing committees named in Article VIII of the By-Laws, the appointed representative of the Department of Economic Development, the appointed representative of the Department of Labor and Industrial Relations, the appointed representative of the Department of Social Services, and one appointed representative of Education.

**Section 2. Chair.** The Chair of the WIB shall be the Chair of the Executive Committee.

**Section 3. Meetings.** The Executive Committee shall meet four times per year. Additional meetings may be called by the Chair of the Executive Committee.

**Section 4. Duties.** The Executive Committee shall have the following duties:

- a. Conduct matters of routine business for the WIB when it is not feasible for the full WIB to be convened.
- b. Develop and recommend policies and procedures for the WIB and its committees. The Executive Committee, unless the Chair chooses to waive this requirement, shall also review any studies, reports, policy recommendations or other documents submitted by standing or special committees before such studies, reports, policy recommendations or other documents are brought before the full WIB.
- c. Recommend the appointment and/or dissolution of standing and special committees.
- d. Review periodically the progress of all standing and special committees.
- e. Perform such other duties or matters of business that are not explicitly vested in the other standing committees or that may be properly assigned to the Executive Committee from time to time by the WIB or the Chair of the WIB.

## **ARTICLE VIII**

### **STANDING AND SPECIAL COMMITTEES**

**Section 1. Structure.** The WIB shall be supported by the Executive Committee, four Standing Committees and Special Committees as the Chair deems appropriate for the conduct of its business. Each Standing Committee shall be comprised of at least six (6) voting members and the consortium Partners who shall also be voting members.

The following delineates the structure and responsibilities of the Youth Council and WIB Committees:

- a. Planning Committee. Assignments as determined by the WIB Chair. Has primary responsibility for the development of the WIA 5-Year Plan of Services. Other responsibilities may include but not be limited to reviewing Labor Market Information and trends; identifying area employment and training needs; recommending programs and activities to meet identified employment and training needs; and making recommendations to the WIB on WIA-funded and appropriate non-WIA funded employment and training programs and activities carried out within the service area.
- b. Finance Committee. Assignments as determined by the WIB Chair. Has primary responsibility for reviewing WIA-funded and appropriate non-WIA funded employment and training plans, budgets and modifications; reviewing service provider budgets; reviewing budgets associated with other employment and training programs operating within the service delivery area as may be appropriate; and making formal recommendations to the WIB.
- c. Oversight Committee. Assignments as determined by the WIB Chair. Has primary responsibility for helping establish and negotiate performance standards and measures for WIA-funded and appropriate non-WIA funded youth, adult and dislocated worker programs operated within the service delivery area. Other responsibilities may include but not be limited to reviewing and evaluating project/program performance and outcomes and recommending performance-related changes and/or modifications as necessary.
- d. Marketing Committee. Assignments as determined by the WIB Chair. Has primary responsibility for development and oversight of a comprehensive public relations and marketing plan for Missouri Career Center services.
- e. Youth Council. As required by the WIA Law, this Council has primary responsibility for the development and oversight of WIA-funded youth activities operating within the service delivery area. Specific goals and responsibilities are cited in a Memorandum of Understanding to be developed between the Youth Council and the WIB.

## **ARTICLE IX**

### **CONFLICT OF INTEREST AND CONFIDENTIALITY**

#### **Section 1. Voting Prohibited.**

- a. WIA Provisions. Section 111(f) of the WIA prohibits a member of the WIB from voting on a matter under consideration by the WIB when:
  1. the matter concerns the provision of services by the member or by an entity that the member represents; or
  2. the matter would provide direct financial benefit to the member or the immediate family of the member; or
  3. the matter concerns any other activity determined by the WIB to constitute a conflict of interest as specified in the Regional Plan.

b. WIBs Policy. Members of the WIB are expected to avoid unethical behavior in the course of performing their official duties. The WIB not only expects its members to avoid impropriety, but also to avoid the appearance of impropriety whether or not any actually exists. Members must avoid:

1. using their position for private gain;
2. giving preferential treatment to any person or entity;
3. losing their independence or impartiality in making decisions; or
4. acting in any way that might erode public confidence in the integrity of the WIB.

c. Abstention. WIB members should individually abstain from voting on issues and matters that will result in a direct or indirect conflict of interest. Abstentions, and the general reasons therefore, should be duly recorded in the minutes of the meeting.

Section 2. Confidentiality. All information, whether transmitted orally or in writing, that is of such a nature that it is not, at that time, a matter of public record or public knowledge is deemed confidential by the WIB. Members shall not disclose confidential information obtained in the course of or by reason of his or her membership on the WIB to any person or entity not directly involved with the business of the WIB. Further:

a. No member shall use confidential information obtained in the course of or by reason of his or her membership on the WIB in any matter with intent to obtain financial gain for the member, the member's immediate family or any business with which the member is associated.

b. No member shall disclose confidential information obtained in the course of or by reason of his or her membership on the WIB in any manner with the intent to obtain financial gain for any other person.

## **ARTICLE X** **RECORDKEEPING**

Section 1. Minutes and Actions of the WIB. The WIB shall maintain, at its principal office, permanent record of the minutes of all formal meetings of the WIB and its committees, a record of all actions taken by the WIB without a meeting, and a record of all actions taken by the standing and special committees of the WIB.

Section 2. Miscellaneous Records. A copy of the following records shall be maintained at the WIBs principal office:

- a. By-Laws and all amendments thereto;
- b. Resolutions of the WIB relating to the qualifications and rights of members;



- c. All written communications to all members within the past three years;
- d. A list of the names and business or home addresses of the members and officers currently serving on the WIB; and
- e. Any written reports, studies, recommendations, plans or other documents approved and adopted by the WIB in the course of carrying out its duties and purposes.

## **ARTICLE XII** **NON-DISCRIMINATION**

The WIB shall not discriminate against any employee, agent or provider of consulting or contract services, or applicant for employment, agency or consulting or contract services on the basis of race, color, religion, sex, national origin, disability or veteran status. It shall be the policy and practice of the WIB to comply fully with federal and state laws, regulations and requirements in respect of non-discrimination, affirmative action, equal employment and civil rights.

## **ARTICLE XIII** **AMENDMENTS**

The By-Laws may be amended at any regular meeting of the WIB with prior written notice having been given to all members of the WIB at least seven (7) days in advance. Approval of any amendment to the By-Laws requires two-thirds vote of the members present.

## **ARTICLE XIV** **SEVERABILITY**

If any of the provisions of these By-Laws shall be found void or unenforceable for whatever reason by any court of law or equity, it is expressly intended that such provision(s) be severable and the remainder of the By-Laws shall remain in full force and effect.